

RESOLUTION NO.

A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS THE "2009 ORPHAN RIGHT OF WAY AND PARCEL ANNEXATIONS"

WHEREAS, petitions for annexation of certain properties have been filed with the Board of Trustees of the Town of Frederick by Mayor Eric D. Doering on behalf of the Weld County Board of County Commissioners and the Town of Frederick; and

WHEREAS, the Board of Trustees has reviewed the petitions; and

WHEREAS, the Board of Trustees wishes to permit simultaneous consideration of the nine (9) subject properties for annexation and zoning, as requested in the petition; and

WHEREAS, the Board of Trustees has reviewed the petitions and desires to adopt by Resolution its findings in regard to the petitions;

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. The petitions, whose legal descriptions are attached hereto as Exhibit A and incorporated by reference herein, are in substantial compliance with the applicable laws of the State of Colorado.

Section 2. No election is required under C.R.S. §31-12-107(2).

Section 3. No additional terms and conditions are to be imposed except those provided for in the petitions.

Section 4. The Board of Trustees will hold a public hearing for the purpose of determining if the proposed annexations comply with C.R.S. §31-12-104, and with C.R.S. §31-12-105, and will hold a public hearing to determine the appropriate zoning of the subject properties as requested in the petitions, at the Frederick Town Hall, 401 Locust, Frederick, Colorado 80516, at the following time and date:

7:00 P.M., SEPTEMBER 8, 2009

Section 5. Any person may appear at such hearing and present evidence relative to the proposed annexations or the proposed zoning.

Section 6. Upon completion of the hearing, the Board of Trustees shall set forth, by resolution, its findings and conclusions with reference to the eligibility of the proposed annexations, and whether the statutory requirements for the proposed annexations have been met, and further, will determine the appropriate zoning of the subject property if requested in the petition.

Section 7. If the Board of Trustees concludes, by resolution, that all statutory requirements have been met and that the proposed annexations are proper under the laws of the State of Colorado, the Board of Trustees shall pass one or more ordinances annexing the subject property into the Town of Frederick, and shall pass one or more ordinances zoning the subject property if requested in the petition.

INTRODUCED, READ, PASSED, AND SIGNED THIS 28th DAY OF JULY, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornoff, Town Clerk

By _____
Eric D. Doering, Mayor

EXHIBIT A

Legal Description of Properties Proposed for Annexation to the Town of Frederick

Weld County Road 16 Enclave Annexation and Rezone No. 1

A strip of land 30.00 feet in width, to be annexed to the Town of Frederick, located in the Southwest Quarter (SW1/4) of Section Twenty-nine (29), Township Two North (T.2N.), Range Sixty-seven West (R.67W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 29 and assuming the West line of the SW1/4 of said Section 29 as bearing North 00°10'23" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2646.32 feet with all bearings contained herein relative thereto.

THENCE North 00°10'23" West along the West line of the SW1/4 of said Section 29, said West line also being the East line of the Josephine Roach Annexation, Ordinance No. 148 Approved by the Town of Frederick on March 25, 1976, a distance of 557.02 feet to the South line of the Camenish 126 Acre Annexation, recorded September 16, 2004 as Reception No. 3219299 of the Records of Weld County;

THENCE South 89°41'11" East along the South line of said Camenish Annexation a distance of 30.00 feet;

THENCE South 00°10'23" East along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the West line of the SW1/4 of said Section 29 a distance of 527.02 feet;

THENCE South 89°41'31" East along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 29 a distance of 2609.35 feet, to the East line of the SW1/4 of said Section 29;

THENCE South 00°12'00" East along the East line of the SW1/4 of said Section 29 a distance of 30.00 feet to the South Quarter corner of said Section 29;

THENCE North 89°41'31" West along the South line of the SW1/4 of said Section 29, said South line also being coincidental with the North line of the Josephine Roche Annexation, a distance of 2639.36 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 94,991 sq. ft or 2.181 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

Weld County Road 16 Annexation and Rezone #2

Legal Description:

A strip of land 60.00 feet in width located in the Southeast Quarter (SE1/4) of Section Twenty-seven (27), the Southwest Quarter (SW1/4) of Section Twenty-Six (26), the Northwest Quarter (NW1/4) of Section Thirty-Five (35) and the Northeast Quarter (NE1/4) of Section Thirty-Four (34), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 27 and assuming the South line of the SE1/4 of said Section 27 as bearing South 89°38'27" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2647.26 feet with all bearings contained herein relative thereto.

THENCE North 00°23'36" West along the East line of the SE1/4 of said Section 27 a distance of 30.00 feet to the POINT OF BEGINNING;

THENCE North 89°38'24" East along a line parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the SW1/4 of Section 26 a distance of 50.00 feet to the West line of the HCT Annexation recorded November 3, 1989 as Reception No. 2196488 of the Records of Weld County;

THENCE South 00°23'36" East along said West line a distance of 60.00 feet to the Northwest corner of the Nelson Annexation recorded November 19, 2003 as Reception No. 3127863 of the Records of Weld County;

THENCE South 89°38'24" West along a line parallel with and 30.00 feet Southerly of as measured at a right angle to the South line of the SW1/4 of said Section 26 a distance of 50.00 feet;

THENCE South 89°38'27" West along a line being parallel with and 30.00 feet Southerly of as measured at a right angle to the South line of the SE1/4 of Section 27 a distance of 550.80 feet to the East line of the Richardson / Longmont Capital Annexation recorded August 26, 1999 as Reception No. 2718350 of the Records of Weld County;

THENCE North 00°21'33" West along said East line a distance of 60.00 feet to the South line of the Longmont Capital Annexation recorded October 16, 1995 as Reception No. 2459665 of the Records of Weld County;

THENCE North 89°38'27" East along said South line, and also along a line being a line parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the SE1/4 of Section 27 a distance of 300.71 feet to the Southeast corner of said Annexation;

THENCE North 89°38'27" East continuing along said parallel line a distance of 249.86 feet to the POINT OF BEGINNING.

Weld County Road 11 Enclave Annexation and Rezone No. 3

A strip of land 30.00 feet in width located in the Southwest Quarter (SW1/4) of Section Twenty-Four (24), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 24 and assuming the West line of the SW1/4 of said Section 24 as bearing North 00°32'48" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2646.01 feet with all bearings contained herein relative thereto.

THENCE North 00°32'48" West along the West line of the SW1/4 of said Section 24, said West line being coincidental with the East line of the Grant Parcel 2 Annexation, Ordinance 279, recorded February 25, 1988 as Reception No. 2131992 of the Records of Weld County, a distance of 30.00 feet to the North line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE continuing North 00°32'48" West along the West line of the SW1/4 of said Section a distance of 1293.01 feet to the South line of the Grant Parcel 1 Annexation, Ordinance 278, recorded February 25, 1988 as Reception No. 2131989 of the Records of Weld County; THENCE continuing North 00°32'48" West along said West line, said West line being coincidental with the East line of said Grant Parcel 1 Annexation a distance of 262.23 feet to the South line of the Milavec Annexation recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE North 89°44'19" East along the South line of said Milavec Annexation a distance of 30.00 feet.

THENCE South 00°32'48" East along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the West line of the SW1/4 of said Section 24 a distance of 1555.23 feet to the North line of said 1995 Road #18 Annexation;

THENCE South 89°44'29" West along said North line a distance of 30.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 46,657 sq. ft or 1.071 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

THENCE North 00°29'49" West along the East line of the NE1/4 of said Section 26, said East line being coincidental with the East line of said Grant Parcel 3 Annexation a distance of 2583.72 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 290,118 sq. ft or 6.660 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

Weld County Road 11 Enclave Annexation and Rezone No. 4

A parcel of land located in the East Half (E1/2) of Section Twenty-Six (26) and the West Half (W1/2) of Section Twenty-Five (25), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 26 and assuming the East line of the Northeast Quarter (NE1/4) of said Section 26 as bearing South 00°29'49" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2613.72 feet with all bearings contained herein relative thereto.

THENCE South 00°29'49" East along the East line of the NE1/4 Section 26 said East line being coincidental with the East line of the Grant Parcel 3 Annexation, Ordinance No. 280 recorded February 25, 1988 as Reception No. 2131991 of the Records of Weld County a distance of 30.00 feet to the South line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the **POINT OF BEGINNING**;

THENCE North 89°44'29" East along the South line of said 1995 Road #18 Annexation a distance of 50.00 feet;

THENCE South 00°29'49" East along a line parallel with and 50.00 feet Easterly of, as measured at a right angle to the East line of NE1/4 of said Section 26 a distance of 2584.20 feet to the South line of the Northwest Quarter (NW1/4) of Section 25;

THENCE North 89°42'23" West along the South line of said NW1/4 of Section 25 a distance of 20.00 feet;

THENCE South 00°08'35" West along a line parallel with and 30.00 feet Easterly of, as measured at a right angle to the East line of the Southeast Quarter (SE1/4) of Section 26 a distance of 2681.90 feet to the North line of the Dacono Investment Co. Annexation recorded May 11, 1990 as Reception No. 2213521 of the Records of Weld County;

THENCE South 89°51'39" West along the North line of said Dacono Investment Co. Annexation, said North line being parallel with and 30.00 feet Northerly of as measured at a right angle to the South line of the Southwest Quarter (SW1/4) of Section 25 a distance of 30.00 feet to the West line of the SW1/4 of said Section 25;

THENCE South 89°36'21" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SE1/4 of Section 26 a distance of 30.00 feet to the East line of the Westervelt Annexation recorded September 21, 1995 as Reception No. 2456442 of the Records of Weld County;

THENCE North 00°08'35" East along a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the SE1/4 of said Section 26, a portion of aforesaid line being coincidental with the Easterly line of said Westervelt Annexation a distance of 2681.85 feet to the South line of the NE1/4 of said Section 26 and to the South line of said Grant Parcel 3 Annexation;

Weld County Road 18 Annexation and Rezone #5

Legal Description:

A strip of land 20.00 feet in width, to be annexed to the Town of Frederick, located in the Northwest Quarter (NW1/4) of Section Twenty-Five (25), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the North Quarter corner of said Section 25 and assuming the North line of the Northeast Quarter (NE1/4) of said Section 25 as bearing North 89°41'05" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2642.07 feet with all bearings contained herein relative thereto;

THENCE South 00°00'30" West along the East line of the NW1/4 of said Section 25 a distance of 30.00 feet to the South line of the 1995 Road #18 Annexation recorded October 19, 1995 as Reception No. 2460180 of the Records of Weld County and to the POINT OF BEGINNING;

THENCE South 00°00'30" West continuing along the East line of the NW1/4 of said Section 25 a distance of 20.00 feet;

THENCE South 89°44'29" West along a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the NW1/4 of said Section 25 a distance of 2640.60 feet to the West line of the NW1/4 of said Section 25;

THENCE North 00°29'49" West along the West line of the NW1/4 of said Section 25 a distance of 20.00 feet to the South line of the 1995 Road #18 Annexation;

THENCE North 89°44'29" East along said South line a distance of 2640.78 feet to the POINT OF BEGINNING.

Weld County Road 13 Enclave Annexation and Rezone No. 6

A portion of the Southwest Quarter (SW1/4) of Section Thirty-One (31), Township Two North (T.2N.), Range Sixty-seven West (R.67W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the West Quarter corner of said Section 31 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 31 as bearing South 00°01'55" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2656.13 feet with all bearings contained herein relative thereto.

THENCE North 89°51'37" East along said North line of the SW1/4, said North line also being the South line of the Town of Frederick recorded May 16, 1907 at Reception No. 119673 in the Records of Weld County, a distance of 35.39 feet to the West line of the Wagoner Annexation 2, recorded June 12, 1989 at Reception No. 2182216 in the Records of Weld County;

The following Three (3) courses and distances are along said Wagoner Annexation 2; THENCE South 00°04'05" East a distance of 910.37 feet to the beginning point of a curve non-tangent to the aforesaid course;

THENCE along the arc of a non-tangent curve concave to the West a distance of 378.54 feet, said curve has a Radius of 1896.86 feet, a Delta of 11°26'03" and is subtended by a Chord bearing South 05°38'50" West a distance of 377.91 feet to the West line of the SW1/4 of said Section 31;

THENCE North 00°01'55" East along said West line, said line being non-tangent to the aforesaid curve a distance of 179.85 feet, to the Southeast corner of the Dacono Investment Co. Annexation, Ordinance 324 Recorded May 11, 1990 at Reception No. 2213521 of the Records of Weld County;

THENCE continuing North 00°01'55" East along the West line of said SW1/4, said line being coincidental with the East line of said Dacono Investment Co. Annexation a distance of 1106.52 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 42,270 sq. ft or 0.970 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

Town of Frederick Annexation and Rezone #7

Legal Description:

A parcel of land located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.), of the Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Center Quarter corner of said Section 24 and assuming the West line of the NE1/4 of said Section 24 as bearing North 00°17'35" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2649.54 feet with all bearings contained herein relative thereto.

THENCE North 00°17'35" West along the West line of the NE1/4 of said Section 24, and also the East line of Kellogg Annexation Plat recorded October 25, 1995 as Reception No. 2461024 of the Records of Weld County a distance of 412.13 feet to the Southwest Corner of Moore Farms Annexation recorded November 17, 2000 as Reception No. 2807872 of the Records of Weld County;

The following Two (2) courses and distances are along the Southerly line of said Moore Farms Annexation.

THENCE South 66°59'48" East a distance of 419.60 feet;

THENCE North 39°30'16" East a distance of 72.41 feet to the Northwest corner of the Milavec Annexation recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE South 00°17'36" East along the Westerly line of said Milavec Annexation a distance of 302.38 feet to the South line of the NE1/4 of Section 24;

THENCE South 89°46'53" West along the South line of the NE1/4 of Section 24, and also the North line of the Milavec Annexation a distance of 431.74 feet to the **POINT OF**

BEGINNING.

Said described parcel of land contains a total of 139,675 sq. ft or 3.206 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

Town of Frederick Annexation and Rezone #8

Legal Description:

A parcel of land located in the Southwest Quarter (SW1/4) of Section Thirty (30), Township Two North, Range Sixty-Seven (R.67W.), of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 30 and assuming the West line of the SW1/4 of said Section 30 as bearing North 00°11'05" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2666.81 feet with all bearings contained herein relative thereto.

THENCE North 00°11'05" East along the West line of the SW1/4 of said Section 30 a distance of 30.00 feet to the Northwest corner of the WCR 16 Annexation, recorded December 10, 1982 as Reception No. 1911088 of the Records of Weld County, and to the **POINT OF BEGINNING**;

THENCE North 00°11'05" East continuing along the West line of the SW1/4 of Section 30, said line being coincidental with the East line of the Shrek Annexation, recorded August 29, 2008 as Reception No. 3575512 of the Records of Weld County, a distance of 970.00 feet to the Southerly line of the Milavec Annexation, recorded March 16, 1989 as Reception No. 2173617 of the Records of Weld County;

THENCE North 89°48'55" East along the Southerly line of said Milavec Annexation a distance of 16.97 feet to a corner of the Millavec Annexation;

THENCE South 00°02'03" West along the West line of the Milavec Annexation a distance of 969.94 feet to the Northerly line of the WCR 16 Annexation;

THENCE South 89°59'26" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of Section 30, said line being coincidental with the North line of said WCR 16 Annexation, a distance of 19.52 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 17,697 sq. ft or 0.406 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

Town of Frederick Annexation and Rezone #9

Legal Description:

A parcel of land located in the Northwest Quarter (NW1/4) of Section Twenty-Five (25), Township Two (2) North, Range Sixty-Eight (R.68W.), of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Center Quarter Corner of said Section 25 and assuming the East line of the NW1/4 of said Section 25 as bearing North 00°00'30" East, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2638.95 feet with all bearings contained herein relative thereto.

THENCE North 89°42'23" West along the South line of the NW1/4 of said Section 25 a distance of 40.00 feet;

THENCE North 00°00'30" East along a line parallel with and 40.00 feet Westerly of, as measured at a right angle to the East line of the NW1/4 of said Section 25, a distance of 1319.27 feet;

THENCE South 89°59'30" East a distance of 40.00 feet to the Center-North 1/16TH corner of Section 25;

THENCE South 00°00'30" West along the East line of the NW1/4 of Section 25, said line being coincidental with the West line of the Earl Sowers Annexation, recorded March 3, 1989 as Reception No. 2173618 of the Records of Weld County, a distance of 1319.47 feet to the

POINT OF BEGINNING.

Said described parcel of land contains a total of 52,775 sq. ft or 1.212 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.